IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.1044 OF 2005

Mogaveera Co-operative Bank Ltd. ..Petitioner.

Vs.

The Municipal Corporation of

Brihan Mumbai & Ors. ..Respondents.

...

Mrs.Lata Desai with Ms. Pallavi Divekar for the Petitioner.

Mr.Shailesh Khatri for Respondent No.3.

Mr. Milind More, AGP for the State.

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CORAM : DR.D.Y.CHANDRACHUD, J.

25th April, 2005.

P.C. :

Counsel appearing on behalf of the Petitioner prays for leave to withdraw the Petition with liberty to file an appeal under Section 217 of the Mumbai Municipal Corporation Act, 1888. Counsel, however, submits that in the event that an

appeal is filed within a period of six weeks from today, the appeal may be directed to be heard on merits. In the circumstances, this Petition is dismissed as withdrawn with liberty as prayed. In the event that an appeal is filed within a period of six weeks from today, the Small Causes Court shall deal with the appeal on merits without reference to the bar of limitation. In order to enable the Petitioner to avail of the alternative remedy, no coercive steps shall be taken by the Corporation for a period of six weeks.